

### **Remarks**

Claims 1-12, 14-15, and 31-42 are pending for the Examiner's consideration. Claims 1, 31, and 37 have been amended herein, claims 13 and 16-30 previously were canceled, and claim 15 has been withdrawn from consideration. No new matter is believed to have been added by the amendments presented herein to the claims.

### **Rejections Under 35 U.S.C. § 102(b)**

In the Office Action, claims 1-8, 10-11, 31-33, 35, 37-39, and 41 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,929,536 to Maughan ("Maughan"). The rejection respectfully is overcome.

Independent claims 1 and 31 have been amended, in part, to recite that the rib is formed of a thermoplastic material. Independent claim 37 has been amended, in part, to recite that the member is formed of a thermoplastic material. As understood, Maughan is completely unrelated to a ribbed thermoplastic panel as claimed in independent claims 1, 31, and 37, as amended.

Moreover, the plastic films of Maughan are distinct from the corrugated paperboard blank; in particular, the plastic film sheets are the components joined at a seam 55. (*Id.*, Col. 5, line 15). In contrast, in pending claim 1, for example, portions of the panel are subjected to the rolling and fusing steps with the first layer being spaced apart from the second layer by a rib interconnected therewith and extending from the first layer to the second layer. Although the Office Action describes Maughan as having "first and second film layers" (Office Action, Page 9), the Maughan construction is different from the invention of claim 1, for example, because Maughan is silent with respect to a rib extending from the first layer to the second layer.

Claims 37-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,069,738 to Ruemeli *et al.* ("Ruemeli"). The rejection respectfully is overcome.

As understood, Ruemeli is completely unrelated to a ribbed thermoplastic panel as claimed in independent claim 37. The films of Ruemeli are distinct from the board; in particular, films 7, 8 are the components that are contacted. (*Id.*, Col. 5, line 16). In contrast, in pending claim 37, portions of the panel are subjected to the rolling and fusing steps. Claim 37, as amended, recites a construction with the first layer being spaced from the

second layer by a member extending therebetween from the first layer to the second layer. Ruemeli appears to be silent with respect to such a construction.

### **Rejections Under 35 U.S.C. § 103(a)**

Claims 12, 14, 36, and 42 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Maughan. It is submitted that dependent claims 12, 14, 36, and 42 at least are patentable not only because of the patentability of the independent claim from which they depend, but also for the totality of features recited respectively therein.

Claims 1-5, 7-9, 14, 31-34, 36-40, and 42 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,630,806 to Kitajima *et al.* (“Kitajima”) in view of the collective teachings of U.S. Patent No. 3,579,396 to Washburn *et al.* (“Washburn”), U.S. Patent No. 3,616,077 to Jessee *et al.* (“Jessee”), U.S. Patent No. 3,031,356 to Bousquet *et al.* (“Bousquet”), U.S. Patent No. 4,606,784 to Glans *et al.* (“Glans”), U.S. Statutory Invention Registration No. H556 to Tarko (“Tarko”), and Ruemeli. The rejection respectfully is traversed.

The Office Action states:

“The examiner appreciates that Washburn, Jessee and Bousquet all use adhesive to bond the facing sheets to each other; however, this is because all of them use paper/paperboard for the panel and facing sheets, unlike the thermoplastic panel and thermoplastic facing sheets used by Kitajima. Therefore, while Washburn, Jessee and Bousquet allow one having ordinary skill to appreciate the need in the packaging/container art to close open ends of a ribbed/corrugated panel having first and second facing sheets, one would clearly be motivated to look beyond these references to additional teachings where thermoplastic facing sheets are being joined to each other to close open ends of a panel.”

(Office Action, Pages 6-7). Applicant respectfully submits that one of ordinary skill in the art would not look to the “paper/paperboard” constructions of Washburn, Jessee, and Bousquet to arrive at the inventions of independent claims 1, 31, and 37 which are directed to a ribbed thermoplastic panel. The suggestion in this cited art “to close the open ends of the panel so as to prevent contaminants from entering the open ends” as identified in the Office Action (Page 6) fails to render obvious the methods of these claims. The nature of the problem to be solved in the present application, for example, is “a need for an economical solution for producing an esthetically pleasing end” in a ribbed thermoplastic panel. (See Specification,

Page 3, lines 2-4). Such a challenge simply is not informed by end closure in “paper/paperboard” constructions. Applicant submits that one of ordinary skill in the art would not look to Washburn, Jessee, and Bousquet to find suggestion or motivation for a method of closing an open end of a thermoplastic panel.


In the Office Action, claims 6, 10-11, 35, and 41 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Kitajima in view of the collective teachings of Washburn, Jessee, Bousquet, Glans, Tarko, Ruemeli, U.S. Patent No. 3,785,908 to Wagers *et al.*, and U.S. Patent No. 5,545,279 to Hall *et al.* Also, claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitajima in view of the collective teachings of Washburn, Jessee, Bousquet, Glans, Tarko, Ruemeli, and U.S. Patent No. 5,246,516 to Rias. It is submitted that dependent claims 6, 10-12, 35, and 41 at least are patentable not only because of the patentability of the independent claim from which they depend, but also for the totality of features recited respectively therein.

In view of the foregoing, it is believed that all the pending claims are in condition for allowance, which is respectfully requested. If the Examiner does not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues so as to expedite the eventual allowance of the claims.

A Request for Continued Examination (RCE) and a Petition for Extension of Time are submitted concurrently herewith. Should any additional fees be required, please charge all required fees to Steptoe & Johnson LLP Deposit Account No. 19-4293.

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Respectfully Submitted,

  
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Attachments